

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: :
: : 18-cr-676 (JSR)
-v- :
: :
MALAMIN JAGANA :
: :
Defendant. :
: :
-----x

JED S. RAKOFF, U.S.D.J.

The Court is in receipt of a motion, filed pro se by defendant Malamin Jagana. ECF No. 99 (June 8, 2020). The motion is styled as a motion to dismiss, but the Court can only construe it as a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255.

On April 3, 2019, a jury convicted Jagana of one count of conspiracy to commit passport fraud, in violation of 18 U.S.C. § 371, and one count of wrongful delivery of a passport, in violation of 18 U.S.C. §§ 2 and 1544. On July 26, 2019, the Court sentenced Jagana to thirty-six months of incarceration, see Judgment, ECF No. 87 (July 26, 2019), a sentence which he is currently serving.

Jagana's motion sets forth no colorable basis for relief. The Court has personal jurisdiction over Jagana because he was charged in a valid indictment brought before this Court. See United States v. McLaughlin, 949 F.3d 780, 781-82 (2d Cir.

2019). Moreover, the defendant's motion does not state a Fourth Amendment violation. His request for relief is accordingly denied.

Furthermore, because petitioner has not at this time made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is hereby instructed to close document number 99 on the docket of this case.

SO ORDERED

Dated: New York, NY
June 19, 2020



JED S. RAKOFF, U.S.D.J.